

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TOMMY HALL,

Plaintiff,

v.

Case Number 09-10933
Honorable David M. Lawson
Magistrate Judge Mark A. Randon

RAJA, JANY SHARPLEY, RAWAL,
CORRECTIONAL MEDICAL SERVICES, INC.,
and PRISON HEALTH SERVICES, INC.

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND GRANTING IN PART AND DENYING IN PART
DEFENDANT'S' MOTION TO DISMISS**

Presently before the Court is the report issued on August 4, 2011 by Magistrate Judge Mark A. Randon pursuant to 28 U.S.C. § 636(b), recommending that this Court grant in part and deny in part defendant Prison Health Services, Inc.'s motion to dismiss. Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the Magistrate Judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt. #103] is **ADOPTED**.

It is further **ORDERED** that defendant Prison Health Services, Inc.'s motion to dismiss [dkt. # 78] is **GRANTED IN PART AND DENIED IN PART**.

It is further **ORDERED** that the plaintiff's claim for injunctive relief is **DISMISSED**. The motion is denied in all other respects.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: September 7, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 7, 2011.

s/Deborah R. Tofil
DEBORAH R. TOFIL